

AMENDED IN ASSEMBLY APRIL 20, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2410

Introduced by Assembly Member Fuller
(Coauthor: Senator Florez)

February 19, 2010

An act to amend Section 13879.80 of the Penal Code, relating to child abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 2410, as amended, Fuller. Child abuse: crime scenes: hallucinogens, methamphetamine, cocaine, PCP, and heroin.

Existing law encourages every law enforcement and social services agency in this state to develop, adopt, and implement written policies and standards for their response to narcotics crime scenes where a child is either immediately present or where there is evidence that a child lives. Existing law provides that these policies shall reflect the fact that exposing a child to the manufacturing, trafficking, and use of narcotics is criminal conduct and that a response coordinated by law enforcement and social services agencies is essential to the child's health and welfare.

This bill would make these provisions applicable also to crime scenes involving hallucinogens, methamphetamine, cocaine, PCP, and heroin. *The bill would delete obsolete language.*

Existing law further provides that the needs of a drug endangered child are best served with written policies encouraging the arrest of an individual for child endangerment where there is probable cause that an offense has been committed coordinated with an appropriate investigation of the child's welfare by child protective agencies, and that protocols that encourage a dependency investigation

contemporaneous with a law enforcement investigation at a narcotics crime scene, when appropriate, are consistent with a child's best interest.

This bill would provide that *protocols that encourage* the removal of a child from a crime scene *if an immediate threat to the child's health or safety exists*, when appropriate, ~~is~~ are also consistent with the child's best interest.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13879.80 of the Penal Code is amended
2 to read:

3 13879.80. (a) Every law enforcement and social services
4 agency in this state is encouraged to develop, adopt, and implement
5 written policies and standards for their response to crime scenes
6 involving narcotics or hallucinogens where a child is either
7 immediately present or where there is evidence that a child lives;
8 ~~by January 1, 2005~~. These policies shall reflect the fact that
9 exposing a child to the manufacturing, trafficking, and use of
10 narcotics or hallucinogens is criminal conduct and that a response
11 coordinated by law enforcement and social services agencies is
12 essential to the child's health and welfare.

13 (b) The needs of a drug endangered child are best served with
14 written policies encouraging the arrest of an individual for child
15 endangerment where there is probable cause that an offense has
16 been committed coordinated with an appropriate investigation of
17 the child's welfare by child protective agencies. Protocols that
18 encourage a dependency investigation, and removal of the child
19 from the crime scene *if an immediate threat to the child's health*
20 *or safety exists*, contemporaneous with a law enforcement
21 investigation at a crime scene involving narcotics or hallucinogens,
22 when appropriate, are consistent with a child's best interest.

23 (c) Subdivisions (a) and (b) shall also apply to crime scenes
24 involving methamphetamine, cocaine, phencyclidine (PCP), and
25 heroin.

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